

Amendment and Response

Serial No.: 09/910,392

Confirmation No.: 1684

Filed: 20 July 2001

For: ARRAYS WITH MASK LAYERS AND METHODS OF MANUFACTURING SAME

Page 2 of 5

Remarks

The Office Action dated 11 September 2002 has been received and reviewed. Claims 65-66 have been cancelled. The pending claims are claims 32-40, 64, and 67-70. Reconsideration and withdrawal of the pending rejections are respectfully requested.

Obviousness -Type Double Patenting Rejection

Claims 65-66 were objected to under 37 C.F.R. § 1.75 as being duplicative of claims 33-34. In response, Applicants have cancelled claims 65-66, rendering this objection moot.

Claims 32-40 and 64-70 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,376,619. Further, claims 32-40 and 64-70 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,395,483.

Upon an indication of otherwise allowable subject matter, and in the event this rejection is maintained, Applicants will provide an appropriate response.

The 35 U.S.C. § 102(e) Rejection

Claims 32-40 and 64-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by Halverson et al. (U.S. Patent No. 6,376,619).

Applicants traverse this rejection and submit that claims 32-40, 64, and 67-70 (claims 65-66 having been cancelled) are not anticipated by Halverson et al. because such reference does not teach each and every element of claims 32-40, 64, and 67-70. For a claim to be anticipated under 35 U.S.C. § 102(e), each and every element of the claim must be found in a single prior art reference. See M.P.E.P. § 2131.

For example, claim 32 recites an article for use in manufacturing an array that includes a mask layer on a surface of a polymeric substrate. Claim 32 further recites that the mask layer includes ink and linking agents. The term "mask layer" is defined in the Specification as "a layer

Amendment and Response

Serial No.: 09/910,392

Confirmation No.: 1684

Filed: 20 July 2001

For: ARRAYS WITH MASK LAYERS AND METHODS OF MANUFACTURING SAME

Page 3 of 5

that reduces or prevents transmission of light of selected wavelengths." *See* Specification, page 7, lines 6-7.

In contrast to claim 32, the Office Action fails to identify how or where Halverson et al. teaches mask layers as recited in claim 32. Further, Applicants traverse the Office Action's assertion that the teachings of Halverson et al. regarding a primer layer of a "colloidal dispersion of inorganic metal oxides in combination with ambifunctional silanes" anticipate claim 32. Applicants submit that there is no support identified as to where or how Halverson et al. teaches a mask layer within the meaning of such term given by the present invention. Because Halverson et al. does not teach each and every element of claim 32, such reference cannot anticipate claim 32.

Further, Halverson et al. does not anticipate claims 33-40, 64, and 67-70 for the same reasons as presented above for claim 32. In addition, claims 33-40, 64, and 67-70 each recite additional elements that further support patentability when combined with claim 32.

For example, claim 33 recites that the mask layer has an optical density of about 0.5 or greater for light of selected wavelengths. Further, claim 34 recites that the mask layer has an optical density of about 1.0 or greater for light of selected wavelengths. In contrast, Halverson et al. does not teach arrays with mask layers having such optical densities.

Further, Applicants traverse the Office Action's reliance on Examples 2 and 11 of Halverson et al. to show these optical densities. Examples 1, 8, and 16 of the present application serve as comparative examples as noted in the Specification. *See* Specification, page 28, line 3; page 29, line 27; and page 31, line 16. The remaining examples (i.e., Examples 2-7 and Examples 9-15) fall within the scope of the present invention. As noted in Table 1 on page 28 of the present application, the optical density of comparative Examples 1, 8, and 16 are, respectively, 0.16, 0.4, and 0. As a result, the assertion presented in support of the rejection of claims 33-34 over Halverson et al. is incorrect and cannot be maintained.

Amendment and Response

Page 4 of 5

Serial No.: 09/910,392

Confirmation No.: 1684

Filed: 20 July 2001

For: ARRAYS WITH MASK LAYERS AND METHODS OF MANUFACTURING SAME

For at least the above reasons, Applicants submit that claims 32-40, 64, and 67-70 are not anticipated by Halverson et al. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Amendment and Response

Page 5 of 5

Serial No.: 09/910,392

Confirmation No.: 1684

Filed: 20 July 2001

For: ARRAYS WITH MASK LAYERS AND METHODS OF MANUFACTURING SAME**Summary**

It is respectfully submitted that the pending claims 32-40, 64, and 67-70 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
Sanjay L. PATIL et al.

By
Mueiting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Phone: (612) 305-1220
Facsimile: (612) 305-1228
Customer Number 26813

**26813**

PATENT TRADEMARK OFFICE

13 JANUARY 2003
Date

By: KWR

Kevin W. Raasch
Reg. No. 35,651
Direct Dial (612)305-1218

CERTIFICATE UNDER 37 C.F.R. § 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 C.F.R. § 1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 13th day of January, 2003, at 1:03 p.m. (Central Time).

By: Rachel Gaylord-GebhardtName: Rachel Gaylord-Gebhardt